IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

DELAY CONDONATION APPLICATION NO.NIL OF 2001
IN
GOVERNMENT APPEAL No.2083 of 2001

State of Uttaranchal

... Appellant/Applicant

Versus

Jawahar Kapoor

... Respondents

Dated: December 11, 2007

Sri Harish Pujari, learned Addl. G.A. for the State

HON. DHARAM VEER, J.

The present delay condonation application has been filed by the State Government for condoning the delay in filing the leave to appeal application and appeal. The leave to appeal application and the appeal has been filed along with the delay condonation application against the judgment and order dated 31.03.2001 passed by Civil Judge (Junior Division), Rishikesh in Case No.1413 of 1994, whereby the learned Civil Judge (Junior Division), Rishikesh has acquitted the respondent-Jawahar Singh for an offence punishable under Sections 325/452/506 of IPC.

2. I have perused the delay condonation application supported by an affidavit. There is delay of 172 days in filing the present appeal. The delay is not explained by sufficient cause. The day-to-day delay has also not been explained in the affidavit. It is not mentioned that after passing of the judgment and order dated 31.03.2001, as to when the matter was referred to DGC (Criminal) for opinion. It is also not mentioned in the affidavit as to when the DGC (Criminal) had referred the matter to the Law Department. It has also not been mentioned that when the **affidavit filed along**

with delay condonation application was sworn on 29.11.2001, then as to why the appeal was filed on 20.12.2001. Thus, in this way day-to-day delay has not been explained by sufficient cause.

3. For the reasons stated above, the delay condonation application is devoid of merit and is hereby dismissed. Consequently, the leave to appeal application as well as appeal, both are also dismissed accordingly.

(Dharam Veer, J.)

Dated 11.12.2007

Rajeev Dang